IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

BENEFICIAL INNOVATIONS, INC., Plaintiff, v. BLOCKDOT, INC.; CAREERBUILDER, LLC; CNET NETWORKS, INC.; DIGG, INC.; EBAUM'S WORLD, INC.; JABEZ NETWORKS, INC.; THE NEW YORK TIMES COMPANY; WASHINGTONPOST.NEWSWEEK INTERACTIVE COMPANY, LLC; THE WEATHER CHANNEL INTERACTIVE, INC., Defendants.	Case No. 2:07-CV-263 (TJW/CE) Jury Trial Demand

CAREERBUILDER, LLC'S ANSWER, AFFIRMATIVE DEFENSES,
AND DEMAND FOR JURY TRIAL

As and for its Answer, Affirmative Defenses, and Demand For Jury Trial in response to the Second Amended Complaint ("Complaint") of Plaintiff Beneficial Innovations, Inc. ("Beneficial"), dated September 11, 2007, Defendant CareerBuilder, LLC ("CareerBuilder"), by and through its attorneys, states as follows:

INTRODUCTION

1. CareerBuilder admits that on its face the United Stated Patent No. 6,712,702 ("'702 patent") is entitled "Method and System for Playing Games on a Network." CareerBuilder further admits that on its face the United Stated Patent No. 6,183,366 ("'366 patent") is entitled "Network Gaming System." CareerBuilder is without knowledge or

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information sufficient to form a belief as to the truth or falsity of Beneficial's allegations of ownership of the inventions described and claimed in the '702 patent and the '366 patent and, therefore, CareerBuilder denies these allegations. CareerBuilder denies the remaining allegations of Paragraph 1 of the Complaint to the extent that they relate to CareerBuilder. CareerBuilder is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 1 of the Complaint directed at the other defendants and, therefore, CareerBuilder denies these allegations.

JURISDICTION AND VENUE

2. Paragraph 2 of the Complaint asserts legal conclusions to which no response is required. To the extent Paragraph 2 contains any factual allegations, such allegations are denied.

3. Paragraph 3 of the Complaint asserts legal conclusions to which no response is required. To the extent Paragraph 3 contains any factual allegations related to CareerBuilder, such allegations are denied. In particular, CareerBuilder denies that it has committed acts or continues to commit acts within this judicial district giving rise to the allegations contained in this action. CareerBuilder is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 3 of the Complaint directed at the other defendants and, therefore, CareerBuilder denies these allegations.

PLAINTIFF BENEFICIAL INNOVATIONS

4. CareerBuilder is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 4 of the Complaint and, therefore, CareerBuilder denies these allegations.

DEFENDANTS

5. CareerBuilder is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 5 of the Complaint and, therefore, CareerBuilder denies these allegations.

6. CareerBuilder admits that it is a limited liability company formed in the State of Delaware. CareerBuilder further admits that its principal place of business is Chicago, Illinois. CareerBuilder denies any remaining allegations of Paragraph 6 of the Complaint.

7. CareerBuilder is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 7 of the Complaint and, therefore, CareerBuilder denies these allegations.

8. CareerBuilder is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 8 of the Complaint and, therefore, CareerBuilder denies these allegations.

9. CareerBuilder is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 9 of the Complaint and, therefore, CareerBuilder denies these allegations.

10. CareerBuilder is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 10 of the Complaint and, therefore, CareerBuilder denies these allegations.

11. CareerBuilder is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 11 of the Complaint and, therefore, CareerBuilder denies these allegations.

12. CareerBuilder is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 12 of the Complaint and, therefore, CareerBuilder denies these allegations.

13. CareerBuilder is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 13 of the Complaint and, therefore, CareerBuilder denies these allegations.

FIRST CLAIM FOR PATENT INFRINGEMENT
(ALLEGED INFRINGEMENT OF THE '702 PATENT)

14. CareerBuilder repeats, as if fully set forth herein, the responses set forth above to Paragraphs 1 through 13 of the Complaint, and further responds as follows:

15. CareerBuilder admits that on its face the '702 patent states that it was issued on March 30, 2004, and that what Beneficial purports to be a copy of the text of the '702 patent is attached as Exhibit A to the Complaint. CareerBuilder is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations of Paragraph 15 of the Complaint and, therefore, CareerBuilder denies these allegations.

16. CareerBuilder denies the allegations of Paragraph 16 of the Complaint to the extent that they relate to CareerBuilder. CareerBuilder is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 16 of the Complaint directed at the other defendants and, therefore, CareerBuilder denies these allegations.

17. CareerBuilder denies the allegations of Paragraph 17 of the Complaint to the extent that they relate to CareerBuilder. CareerBuilder is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 17 of the Complaint directed at the other defendants and, therefore, CareerBuilder denies these allegations.

18. CareerBuilder denies the allegations of Paragraph 18 of the Complaint to the extent that they relate to CareerBuilder. CareerBuilder is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 18 of the Complaint directed at the other defendants and, therefore, CareerBuilder denies these allegations.

19. CareerBuilder denies the allegations of Paragraph 19 of the Complaint to the extent that they relate to CareerBuilder. CareerBuilder is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 19 of the Complaint directed at the other defendants and, therefore, CareerBuilder denies these allegations.

20. CareerBuilder admits that Beneficial has demanded a trial by jury of all issues related to its First Claim for Patent Infringement (Alleged Infringement of the ‘702 Patent).

SECOND CLAIM FOR PATENT INFRINGEMENT (ALLEGED INFRINGEMENT OF THE ‘366 PATENT)

21. CareerBuilder repeats, as if fully set forth herein, the responses set forth above to Paragraphs 1 through 13 of the Complaint, and further responds as follows:

22. CareerBuilder admits that on its face the ‘366 patent states that it was issued on February 6, 2001, and that what Beneficial purports to be a copy of the text of the ‘366 patent is attached as Exhibit B to the Complaint. CareerBuilder is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations of Paragraph 22 of the Complaint and, therefore, CareerBuilder denies these allegations.

23. CareerBuilder denies the allegations of Paragraph 23 of the Complaint to the extent that they relate to CareerBuilder. CareerBuilder is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 23 of the Complaint directed at the other defendants and, therefore, CareerBuilder denies these allegations.

24. CareerBuilder denies the allegations of Paragraph 24 of the Complaint to the extent that they relate to CareerBuilder. CareerBuilder is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 24 of the Complaint directed at the other defendants and, therefore, CareerBuilder denies these allegations.

25. CareerBuilder denies the allegations of Paragraph 25 of the Complaint to the extent that they relate to CareerBuilder. CareerBuilder is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 25 of the Complaint directed at the other defendants and, therefore, CareerBuilder denies these allegations.

26. CareerBuilder denies the allegations of Paragraph 26 of the Complaint to the extent that they relate to CareerBuilder. CareerBuilder is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 26 of the Complaint directed at the other defendants and, therefore, CareerBuilder denies these allegations.

27. CareerBuilder admits that Beneficial has demanded a trial by jury of all issues related to its Second Claim for Patent Infringement (Alleged Infringement of the ‘366 Patent).

WHEREFORE, CareerBuilder denies that Beneficial is entitled to an award of any relief sought in its prayer for relief against CareerBuilder, its officers, directors, employees, agents and all persons in active concert with them. CareerBuilder has not infringed, contibutorily or by inducement, literally of by the doctrine of equivalents, willfully or otherwise, the ‘702 and ‘366 patents. CareerBuilder thus denies that Beneficial is entitled to any award of preliminary or permanent injunction against CareerBuilder. CareerBuilder further denies that Beneficial is entitled to recover any damages from CareerBuilder, including without limitation compensatory damages, treble damages, costs of suit, attorneys’ fees, and/or pre-judgment interest.

AFFIRMATIVE DEFENSES

As and for its Affirmative Defenses, CareerBuilder alleges, without assuming any burden of proof that would otherwise rest on Beneficial, as follows:

1. CareerBuilder does not infringe and has not infringed, either directly, indirectly, contributorily, or by inducement, the ‘702 and/or ‘366 patent, either literally or under the doctrine of equivalents, willfully or otherwise.

2. The Complaint is barred by the doctrines of unclean hands, estoppel, laches, and/or waiver.

3. Beneficial’s purported claims for infringement of the ‘702 patent and ‘366 patents are barred because the ‘702 and ‘366 patents are invalid for failure to meet the conditions of patentability contained in Title 35 of the United States Code, including, but not limited to, Sections 102, 103, and/or 112.

CareerBuilder reserves the right to rely on all further affirmative defenses which become available or appear during discovery proceedings in this action and reserves the right to amend its Answer and Affirmative Defenses for the purpose of asserting any such additional affirmative defense.

WHEREFORE, CareerBuilder respectfully requests that this Court enter a Judgment and Order:

1. Dismissing Beneficial’s Complaint against CareerBuilder with prejudice;

2. Denying Beneficial the relief it seeks against CareerBuilder;

3. Awarding CareerBuilder its reasonable attorneys’ fees and costs pursuant to 35 U.S.C. § 285; and

4. Awarding CareerBuilder such other and further relief as this Court may deem just and proper.

JURY DEMAND

CareerBuilder requests a jury trial on all issues contained in the Complaint and in CareerBuilder's Answer and Affirmative Defenses.

Dated: September 25, 2007

Respectfully submitted,

/s/ Diane V. DeVasto

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ATTORNEYS FOR DEFENDANT CAREERBUILDER, LLC

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 25th day of September 2007. Any other counsel of record will be served by first class U.S. mail on this same date.

/s/ Diane V. DeVasto
Diane V. DeVasto